

CITY OF DURHAM, NORTH CAROLINA

VOLUNTARY ANNEXATION PETITION PROGRAM

SCOPE

Annexation petitions meeting the standards of NC General Statute 160A-31 (contiguous) and 160A-51.1(b) (non-contiguous), may be submitted any time during the year. The Durham City Council has established the following effective dates:

Potential Effective Dates

September 30

December 31

March 31

June 30

Annexation Petitions are accepted on the second and fourth Mondays of each month by noon, or by appointment.

An annexation petition will not be accepted unless a Water-Sewer Extension Agreement has also been filed (or the need for such waived by the Public Works Department). A hearing on an annexation petition shall be scheduled only when the petition elements are accepted as complete and verified accurate. The required petition elements are listed below in the instructions.

Resolution of all boundary issues, specifically with other agencies (such as; Durham County Land Records), are the responsibility of the petitioner. Petitions inactive over 6 months will be considered withdrawn.

INSTRUCTIONS

A petition for annexation should include the following information:

- 1) **A correctly signed petition form**, meaning signed by ALL persons having any interest in the property, the same as on the property deed, including the spouse when the property is co-owned. If the owner of the property is a corporation, the petition should include the corporate seal and the signatures of either the President (or Vice President) and the Corporate Secretary (or Assistant Corporate Secretary). Individuals signing these forms with the designation of Power of Attorney, Attorney-in-fact or Other Agent must include confirming documents. Signatures must be exactly as printed. **A NOTARY PUBLIC MUST PROPERLY CERTIFY EACH SIGNATURE.**

Only one revision will be accepted from the petitioner. Subsequent revisions will require the submission of a new petition. Changes in property ownership after initial petition submittal will require further documentation verifying the new property owners and a written request to continue or stop the annexation process. Failure to provide information regarding change in ownership after initial submission will constitute voluntary withdrawal of the petition.

- 2) Provide two copies of the **legal metes and bounds description** for the proposed area as it follows and references the property survey. For guidelines in preparing this document, select this link [Annexation Map and Legal Description Checklist](#) .
- 3) **A Certificate of Title** for the property being annexed. Please submit only the "Title and Ownership Information for Petitioned Annexations" certificate at the time of petition. The "Update of Certificate of Title of Information for Petitioned Annexations" will be requested before City Council's approval and must be dated no earlier than one week prior to the Public Hearing. **ANNEXATION WILL NOT PROCEED UNTIL DELIVERY OF THIS DOCUMENT TO THE CITY.**
- 4) Provide two 24" X 18" paper copies of the property survey, titled **"Annexation Map"**. For guidelines in preparing this document, select this link [Annexation Map and Legal Description Checklist](#) .
 - a. The maps must be **24" X 18"**, the recordable size, and prepared and sealed by a registered land surveyor.

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- b. Annexation maps must **reserve a space at least 4” wide by 6” long** for city stamps. This space may be placed anywhere on the map, so long as it does not interfere with the placement of other information required by the City.
 - c. **Label all public rights-of-way**, differentiate **new city limits from existing city limits** and **include road frontages** associated with the annexation boundary.
 - d. **Annexation boundaries must follow property lines** as recorded on a plat at the Durham County Register of Deeds.
 - e. Annexation maps must comply with all plat recording requirements specified by the Durham County Land Records Office and North Carolina State Statutes.
 - f. **Three mylar maps** will be needed immediately **after** the paper maps have been reviewed and approved by the Public Works Department. These mylar maps must be provided **before** the public hearing. One mylar map will be returned to the submitter after it is recorded.
- 5) Include two **Spatial Explorer Maps**, <http://gisweb.durhamnc.gov/GoMaps/map/Index.cfm> with proposed property for annexation outlined in red. For petitions with multiple parcels, a digital and a hard copy listing of all parcels is required. A Spatial Data map must be provided for each individual parcel.
- 6) Attach **a letter requesting annexation that describes the existing and proposed development of the property petitioned to be annexed**. Include the following information to be used to prepare a cost-benefit analysis for the provision of City services to the petitioned area:
- a. Description of **existing and proposed development**, including type of development – single-family or multi-family residential, commercial, industrial, office, etc...
 - b. If residential (single or multifamily), the **number and size of lots**, the **anticipated sale price** of the homes, or **rental rates** in the development. State the **anticipated value of the entire project at completion**.
 - c. If commercial or office, the **square footage of the development** and the **estimated appraised value at completion**.
 - d. Existing zoning and indicate whether rezoning has been requested
 - e. The linear footage of **public** streets.
 - f. Estimated **completion date** of the project (month/year) and build out schedule for proposed development.
 - g. **General location** of the property.
 - h. **Total acreage** of the proposed area (including rights-of-way).
 - i. **Property Identification Number** (PIN) and **Parcel ID** number(s).
 - j. Explain and provide supporting evidence for any claims that any property subject to this annexation petition has acquired vested rights under a permit, certificate, or other evidence of compliance issued by Durham County or any other governmental entity.
 - k. **Direct email** contact and **phone** number. A primary and secondary contact must be identified in this letter.
- 7) Include payment of the **annexation fee of \$250.00** in check form, made payable to the **City of Durham**.

Questions regarding the Voluntary Annexation Petition process, scope or instructions should be directed to Scott Whiteman, **Land Use Supervisor at (919) 560-4137 ext. 28253**. Remit completed and signed annexation forms to:

City-County Planning Department
1st Floor City Hall
101 City Hall Plaza
Durham, NC 27701
scott.whiteman@durhamnc.gov

**PETITION FOR VOLUNTARY ANNEXATION TO THE CITY OF DURHAM
OF A NONCONTIGUOUS AREA (SATELLITE)**

To the Mayor and Members of the City Council of the City of Durham, N.C.:

The undersigned respectfully petition the City Council of the City of Durham to annex the hereinafter described property to the City of Durham, such annexation to be pursuant to Part 4, Article 4A, Chapter 160A of the North Carolina General Statutes (G.S. 160A-58 et seq.). In support of this petition and pursuant to G.S. 160A-58.1, the undersigned do hereby respectfully submit the following information:

1. The undersigned whose names are signed to this petition own all real estate in the area described herein, with the exception of the following: Owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina; Railroad Companies; Public Utility as defined in G.S. 62-3(23); Electric Membership Corporation; and Telephone Membership Corporations.
2. The nearest point of the area described herein to the primary corporate limits of the City of Durham is not more than three (3) miles.
3. No part of the area described herein is closer to the primary corporate limits of another city than to the primary corporate limits of the City of Durham.
4. If any part of the area described herein is a part of a subdivision as defined in G.S. 160A-376, then all of said subdivision is included within the area described.
5. This area proposed for annexation under this petition is described by metes and bounds as follows:

(ATTACH A METES AND BOUNDS DESCRIPTION FOR THE AREA TO BE ANNEXED)

Respectfully submitted this _____ day of _____, 20____.

Type or Print Name of Property Owner(s)	Address and Phone Number:	Property PIN#/ Parcel ID #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please sign and complete the requested information on the Signature page of this petition

(For Planning Department Use)

Date Received: _____	Total Land Mass: _____
Received by: _____	% Satellite: ____ If > 10%, return

ANNEXATION PETITION SIGNATURE PAGE

EVERY INDIVIDUAL WITH OWNERSHIP INTEREST:

INDIVIDUAL OWNER:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

(Signature)

ALL SIGNATURES MUST BE NOTARIZED!!!

NOTARIZATION

NORTH CAROLINA

_____ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that _____ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____, 20____.

Notary Public

My commission expires _____.

INDIVIDUAL OWNER:

TAX PARCEL ID#

PRINT OR TYPE NAME AND ADDRESS:

(Signature)

ALL SIGNATURES MUST BE NOTARIZED!!!

NOTARIZATION

NORTH CAROLINA

_____ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that _____ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____, 20____.

Notary Public

My commission expires _____.

ANNEXATION PETITION SIGNATURE PAGE

CORPORATION:

Affix Seal:

Name of Corporation (Type or Print)

By: _____
Signature and Title

Attested By: _____
Signature and Title

(Type or Print Name)

(Type or Print Name)

ALL SIGNATURES MUST BE NOTARIZED!!!

NOTARIZATION

NORTH CAROLINA

_____ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that _____
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____, 20_____.

Notary Public

My commission expires _____.

ANNEXATION PETITION SIGNATURE PAGE

PARTNERSHIP or LLC:

This is a: _____ general partnership
_____ limited partnership
_____ LLC

Name of Partnership or LLC (Type or Print)

By: _____
Signature and Title

Attested By: _____
Witness, Signature and Title

(Type or Print Name)

(Type or Print Name)

ALL SIGNATURES MUST BE NOTARIZED!!!

NOTARIZATION

NORTH CAROLINA
_____ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that _____
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____, 20_____.

Notary Public

My commission expires _____.

ANNEXATION PETITION SIGNATURE PAGE

ATTORNEY-IN-FACT OR OTHER AGENT:

Note: *A copy of the document that appointed you to be Attorney-in-fact or Agent must be attached with this petition.*

Name of Property Owner (Type or Print)

The Owner is a(n)
_____ Individual

Attorney-in-fact (Signature)

_____ Corporation (if so, affix Seal)

_____ General Partnership

Attorney-in-fact (Type or Print)

_____ Limited Partnership

_____ Other (please define)

Other Agent (Signature)

Other Agent (Type or Print)

ALL SIGNATURES MUST BE NOTARIZED!!!

NOTARIZATION

NORTH CAROLINA
_____ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that _____
personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____, 20_____.

Notary Public

My commission expires _____.

**TITLE AND OWNERSHIP INFORMATION
FOR VOLUNTARY PETITIONED ANNEXATIONS**

Instructions:

The following information should be supplied at the time a voluntary annexation petition is submitted, unless a later date is approved by the Budget Department. The date through which title is examined should be **within one week before the submittal** of the annexation petition. NOTE that the certificate is limited to holders of fee simple interests. Among other things, holders of mortgages or deeds of trust, or trustees for the same; easements; taxes or assessments; or defects not disclosed by public records need not be listed.

CERTIFICATE OF TITLE

The undersigned attorney, who is licensed to practice law in the State of North Carolina, hereby certifies that the record owner(s) of all fee simple interests in the tract of land submitted for annexation to the City of Durham on a petition dated _____ and described on such petition as (name of development) _____, which tract is described by the metes and bounds description submitted as part of such petition, is _____, and that the deed(s) showing such title are recorded at Book _____, Page _____; (for multiple properties attach a list with referencing of Book and Page for each parcel) at the Durham County Register of Deeds. In addition, the undersigned attorney certifies that the execution of the aforesaid petition is legally sufficient in form, manner, and substance to bind all owners of the property being annexed.

This the _____ day of _____, 20_____.

(Signature of Attorney)

(Type or Print Name of Attorney)

(Attorney Phone Number)

NOTARIZATION

NORTH CAROLINA
_____ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that _____ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____, 20_____.

Notary Public

My commission expires _____.

UPDATE OF TITLE INFORMATION FOR PETITIONED ANNEXATIONS

Please Note:

The original certification of title for the petition for annexation should be attached to this form when it is sent to the Attorney.
ANNEXATION WILL NOT PROCEED UNTIL DELIVERY OF THIS DOCUMENT TO THE CITY.

UPDATED CERTIFICATE OF TITLE

The undersigned attorney, who is licensed to practice law in North Carolina, hereby certifies that as of _____ (date completed by the BMS Dept.; generally the Thursday prior to the Monday vote) the information as to fee simple ownership contained in the attached title certification for _____ (name of development), which certification was signed by _____ (name of attorney providing first certification) on _____ (date of previous certification) is still accurate, and that since such certification no fee simple interests in the property have been conveyed.

This the _____ day of _____, 20_____.

(Signature of Attorney)

(Print name)

_____ (Attorney Phone Number)

NOTARIZATION

NORTH CAROLINA
_____ COUNTY

I, the undersigned Notary Public in and for the aforesaid County and State, certify that _____ personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____, 20_____.

Notary Public

My commission expires _____.